

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

|                              |   |                             |
|------------------------------|---|-----------------------------|
| WESLEY D. WILLIAMS, #1257491 | § |                             |
| VS.                          | § | CIVIL ACTION NO. 6:16cv1351 |
| DIRECTOR, TDCJ-CID.          | § |                             |

ORDER OF DISMISSAL

Petitioner Wesley Dewayne Williams, an inmate currently confined at the Gib Lewis Unit within the Texas prison system proceeding *pro se*, filed this petition for a writ of habeas corpus complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the petition.

On November 19, 2018, Judge Mitchell issued a Report, (Dkt. #22), recommending that Petitioner's petition for a writ of habeas corpus should be dismissed, without prejudice, for Petitioner's failure to obey an order of the Court. A copy of this Report was sent to Petitioner at his address; return receipt requested. The docket demonstrates that Petitioner received a copy of the Report before November 28, 2018, (Dkt. #23). However, to date, no objections to the Report have been filed.

Because Petitioner has failed to file objections to Judge Mitchell's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #22), is **ADOPTED** as the opinion of the Court. Further, it is

**ORDERED** that Petitioner's petition for a writ of habeas corpus is **DISMISSED**, without prejudice, for failure to obey an order of the Court. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED February 22, 2019**.



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Ron Clark, Senior District Judge